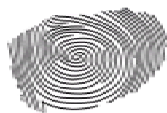


## NON-SERIOUS OFFENSES AND FINGERPRINTS

As discussed at the May 2003 TAC Conference, the FBI is planning on accepting fingerprints on "non-serious" offenses. However, this change has not yet taken effect. It is projected that this change will take place this fall or early next year.

At the current time, **do not** send fingerprints to BCI if the **only** charges are "non-serious" offenses. BCI will notify agencies when both we and the FBI are ready to accept fingerprints for exclusively non-serious offenses.



BCI is currently developing policies and guidelines for the submission of fingerprints for non-serious offenses. Keep watching the Newsletter, the Message of the Day, and other sources of BCI information to find out more about when and how this procedure change will take place.

The FBI's decision to accept fingerprints for non-serious offenses is in response to the September 11th terrorist attacks. It has been determined that the fingerprints that may be submitted to the FBI on non-serious offenses could be an important source of fingerprints, as many terrorists will be very careful not to be arrested for major crimes but could possibly have "non-serious" offenses (expired plates, intoxication, driving offenses, etc.) on their records.

A list of non-serious offenses can be seen on the UCJIS system on the TAC web site. (Under "Table of Contents" and "Non-Serious Offenses.")

### NCIC OFF-LINE SEARCHES

Is your agency utilizing NCIC Off-Line Searches? Did you know that you can contact NCIC directly to have these searches done? BCI does not need to be contacted prior to contacting the FBI.

NCIC on-line inquiries conducted by law enforcement personnel can quickly retrieve accurate information, thereby increasing the

probability of criminal detection. However, an on-line inquiry alone may not be adequate in certain investigative situations. In such cases, agencies may need to request off-line searches of the NCIC database.

The off-line search requires a special technique that can be used in a variety of situations to obtain information not available through an on-line inquiry. The results may provide an investigator with information to:

- Determine if any other agency(s) has made an inquiry on a particular individual or item of property.
- Place an individual at the scene of a crime or miles away from the scene.
- Substantiate or discredit an alibi.
- Determine if a record for a person or item of property was previously entered into NCIC and subsequently removed.
- Track the route of individuals, e.g., suspects, witnesses, runaways, etc.
- Search the NCIC historical database that includes records that have been removed from the active database as a result of cancellation, clearance, or retention expiration.

NCIC also has a specialized program that enables inquiries of the Wanted Person and Missing Person Files by name only when a date of birth or other numeric identifier is unavailable for an on-line inquiry.

To request an off-line search by the FBI, contact them by phone at 1-304-625-3000, or send an AM message to ORI/DCFBIWAT8. Furnish all information that might lend itself to an off-line search.

## PURPOSE CODES “C” AND “J”

Questions occasionally arise as to the proper use of the Purpose Codes “C” and “J.” Who qualifies for which code?

The following are some guidelines from NCIC.

“The term ‘administration of criminal justice’ is defined as the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. Questions have arisen concerning the use of purpose code C in situations that are not part of a criminal justice investigation but are duties of the agency where a criminal record check is necessary to accomplish the agency’s mission.

These examples are not all encompassing, but will provide clarification of authorized uses of purpose code C.

The security of the criminal justice facility:

- Vendors or contractors at the criminal justice agency who are **NOT** involved with the actual administration of criminal justice at the criminal justice agency, e.g., carpet cleaners, individuals responsible for maintaining vending machines, janitors, cooks, etc.
- Volunteers at the criminal justice agency who are **NOT** involved with the actual administration of criminal justice at the criminal justice agency, e.g., participants in community ride-along programs, volunteers at a confinement facility who are providing social or community services rather than rehabilitative services, etc.
- Confinement facility visitors.
- Inmates of a confinement facility.
- Inmates’ mailing lists.

Purpose code J is to be used for criminal justice employment. This code is used to initiate background checks of agency personnel as well as the following:

- Vendors or contractors at the criminal justice agency who **ARE** involved with the actual administration of criminal justice at the criminal justice agency, e.g., personnel involved with maintenance of computer

systems, upgrading records systems, data entry clerks, etc.

- Volunteers at the criminal justice agency who **ARE** involved with the actual administration of criminal justice at the criminal justice agency, e.g., volunteer dispatchers, volunteer data entry clerks, volunteers at a confinement facility who are providing inmate rehabilitation, etc.”

## AUTOMATIC NOTIFICATIONS OF SERVED WARRANTS

The Utah Statewide Warrants System has been updated with a transaction that will notify the originating law enforcement agency via a broadcast to the agency printer and broadcast log that the warrant has been served.

In order to take advantage of this feature, the agency TAC must notify the BCI Help Desk (801-965-4446.) The help desk will then update the tables to enable this function at the agency.

Below is an example of a notify.

Served Warrant Notify

07/16/2003 08:06

A Warrant has been served on the Statewide Warrants System

Name of wanted person is : IMA TEST WARRANT

Originating agency ORI is: UTBCI0024

Originating agency case number is: TESTMCS3

Court issuing warrant is : J0506

Court case number is: TESTMCS3

Court warrant number is: TESTMCS3

Offense is: TEST OFFENSE 3

Agency ORI that served warrant: UTBCI0024

County Jail code is: 12

END OF MESSAGE

## SERVING WARRANTS

Law enforcement agencies – did you know you are in violation of Utah law if you arrest an individual on an outstanding warrant, and do not go into the SWW system and show it as served?

Utah Code 53-10-207(4) states: “If an arrest is based upon information about the existence of a criminal warrant of arrest or commitment under

Rule 6, Utah Rules of Criminal Procedure, every peace officer shall without delay notify the division (BCI) of the service of each warrant of arrest or commitment, in a manner specified by the division."

Failure to show a warrant as "served" may also leave you liable to lawsuit in the event that the individual in question is arrested again on the same warrant.

## CHANGES TO WANTED PERSON NOTIFICATIONS & RAP SHEETS



The NCIC 2000 System was designed to automatically send a wanted person notification over the National Law Enforcement Telecommunication system, Inc.'s lines to the agency that issued the fugitive notice and to that agency's NCIC Control Terminal Officer (CTO). The System has been modified to also send the wanted notice to the arresting agency and the arresting agency's CTO. Now, agencies that have a fugitive in custody will receive both a copy of the IAFIS fingerprint response and a separate NCIC wanted person notice. The following is a sample message sent to the arresting agency when a criminal fingerprint submission generates a hit on an active want:

ON 2002/12/03, ARREST FINGERPRINT CARD FOR IMA BADGIRL WITH DOB 19681107, DATE OF ARREST 2002/12/03 AND LOCAL IDENTIFICATION NUMBER CS12345 WAS IDENTIFIED WITH FBI /9015174. SUBJECT ARRESTED BY YOUR AGENCY HAS AN ACTIVE WANT AS BARB WYRE, CASE NUMBER 6789, ENTERED IN NCIC (NIC/W123456789). SUBJECT'S IDENTIFICATION RECORD, INCLUDING CURRENT ARREST INFORMATION, IS AVAILABLE VIA THE INTERSTATE IDENTIFICATION INDEX. THE AGENCY MAINTAINING THE WANT HAS BEEN NOTIFIED. FBI CJIS DIVISION.

A second modification was made to the criminal history record. IAFIS now adds the following flag to the TOP of the printout when the record contains fugitive information:

\*\*\*\*NOTICE\*\*\*\*  
SUBJECT OF RECORD IS WANTED.  
SEE END OF RECORD FOR MORE INFORMATION

The CJIS Division hopes these two enhancements to its Systems will improve information sharing

among the FBI and the local and state agencies using its services. The modifications should also facilitate essential communications between an agency that arrests a fugitive and the agency that originally posted the wanted notice. Equally important, though, is for officers to pay close attention to the NCIC messages to assure that fugitives who are arrested stay in custody.

*Summary from The CJIS Link, Vol. 6 No. 4*

## NCIC TOU'S AND UPDATES

NCIC TOU's (Technical and Operational Updates) can be obtained on the Internet through the LEO (Law Enforcement Online) website at [www.leo.gov/lesig/CJIS/CJIS\\_pub/programs/NCIC/tous/index.shtml](http://www.leo.gov/lesig/CJIS/CJIS_pub/programs/NCIC/tous/index.shtml)

The following is just part of the information received in recent TOU's:

1. Effective immediately: The FBI had clarified its definition of a "timely entry" of an NCIC Entry.

The old definition stated: "NCIC 2000 records must be entered promptly to ensure maximum System effectiveness."

The new definition states: "To ensure maximum System effectiveness, NCIC 2000 records must be entered immediately when the conditions for entry are met, not to exceed 3 days, upon receipt by the entering agency. The only exceptions to immediate entry are when otherwise prescribed by federal law or when documentation exists to support delayed entry." (*NCIC 2000 Operating Manual*, Section 3.2 – Maintaining the Integrity of NCIC 2000 Records.)

2. Also, changes have been made to the \$.H. Delayed Inquiry Hit Notifications.

3. Effective in 2004: Person File Entry acknowledgements will contain the OCA field to uniquely identify the record.

For more information, see the complete coverage of these issues in recent NCIC TOU's.

These technical updates cover many issues that effect law enforcement agencies. BCI recommends that agencies periodically use the LEO system to read the latest versions of the NCIC TOU's.

If you are interested in gaining access to Law Enforcement Online (LEO), please contact the LEO Program at 1-202-324-8833.

## PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

### PROTECTION ORDERS AND FEDERAL FIREARMS PROHIBITIONS

Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearms or ammunition or in affecting commerce (or shipping or transporting any firearms or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition.) Violation of this prohibition while the order remains in effect is a federal offense punishable by up to ten years imprisonment. 18 U.S.C. §§ 922(g)(8), 924(a)(2).

The following list enumerates the elements that define a qualifying protection order under the federal firearms prohibition. Generally, a defendant/respondent subject to a protection order that includes one element from each section listed below is covered by the federal firearms prohibition.

#### I HEARING

- Defendant/Respondent received *actual notice* and had an *opportunity to participate*.

#### II INTIMATE PARTNER

Plaintiff/Petitioner is an *intimate partner* of the Defendant/Respondent, (18 U.S.C. § 921 (a)(32)) that is:

- a *spouse* of Defendant/Respondent;
- a *former spouse* of Defendant/Respondent;
- an individual who is a *parent* of a child of Defendant/Respondent; *or*
- an individual who *cohabitates* or *has cohabited* with Defendant/Respondent.

#### III RESTRAINS FUTURE CONDUCT

- The order *restrains* the Defendant/Respondent from *harassing, stalking, or threatening* the intimate partner, child of the Defendant/Respondent, or child of the Defendant/Respondent's intimate partner; *or*
- The order *restrains* Defendant/Respondent from engaging in other conduct that would place the intimate partner in *reasonable fear of bodily injury* to the partner or child.

#### IV CREDIBLE THREAT OR PHYSICAL FORCE

- The order includes a finding that Defendant/Respondent is a *credible threat* to the physical safety of the intimate partner or child; *or*
- The order, by its terms, explicitly prohibits the use, attempted use, or threatened use of *physical force* against the intimate partner or child that would reasonably be expected to cause bodily injury.

For further information about firearms prohibitions or Section 922(g)(8), contact your local field Division of the Bureau of Alcohol, Tobacco and Firearms by calling 1-800-800-3855.

## APPLICANT CARD ADDITION

Additional information is now required on the 10-print applicant cards sent to BCI for law enforcement employment purposes.

In the field named "Employee Name and Address" we now require the name of the TAC as well as the mailing address of the agency. (Please see example on the last page of the Newsletter.)

Too many applicant cards are becoming lost at the local level after BCI returns them to the agency because we don't know the best person to address the cards to. Being able to address the cards to the agency TAC will reduce many of these delays.

## I GOT A \$.B. MESSAGE. NOW WHAT DO I DO?

A \$.B. message is an NCIC 2000 function. This message is transmitted to the ORI whenever a file is available for retrieval by the local agency. This situation occurs when:

- Excessive hits resulting from an inquiry are transmitted
- A response to a batch inquiry is transmitted (Currently this function is unavailable.)
- A response to an SPRQ is transmitted (Currently this function is unavailable.)
- A response to an off-line search is transmitted (Currently this function is unavailable.)
- A validation file is ready for transfer.

For more details about these messages, see Page 6 of the NCIC Entry section of the *BCI Operations Manual*.



## UCR/IBR

### STOLEN PROPERTY OFFENSES

When reporting Stolen Property Offenses in UCR and NIBRS, it is important to remember the FBI's definition of a Stolen Property Offense, which is:

"Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc." *From the FBI's Uniform Crime Reporting Handbook, NIBRS Edition.*

Thus, the offender in the Stolen Property Offense did NOT unlawfully take the property. Instead, he/she is knowingly dealing with stolen property in one of the ways mentioned in the above definition.

If your agency has a Stolen Property Offense to report, DO NOT report the property involved as being "recovered" unless the property was originally stolen from your jurisdiction.

For example: a gun is stolen from Salt Lake City, and is then brought to a pawn shop in West Valley where the pawn broker is knowingly selling stolen goods. West Valley PD would report a Stolen Property Offense when the pawn broker is caught. However, it would be up to the Salt Lake City PD to report the theft offense, the date the gun was stolen, the date the gun was recovered, and also the value of the gun.

It is rare for one incident to contain a Stolen Property Offense as well as an offense such as theft, burglary, robbery or fraud.

## QUARTERLY STATISTICAL REPORTS

Three times a year, BCI publishes a quarterly crime report, covering the year-to-date crime statistics.

BCI reminds agencies to please check your statistics in these reports to find problems BEFORE these numbers show up in the annual Year-End crime report.

Quarterly reports are available on the web at <http://www.bci.utah.gov/Stats/StatsHome.html>

## MISSING PERSON INFORMATION

### AMBER ALERTS

**The Amber Alert is no longer transmitted via fax.** It is now initiated with the UAA transaction on UCJIS. For further information please contact Gina McMahon at 801-965-4686.



Also, a missing person case does not qualify for Amber Alert status unless the four criteria questions can all be answered "Yes." If the answer to any of the questions is "No," do not send an Amber Alert. The criteria questions can be seen at <http://www.attygen.state.ut.us/AL/amberawenf.htm>

### RECOVERED PARTIAL BODY PARTS AND MISSING PERSON LOCATES

Question: if the deceased subject of a Missing Person record is identified against recovered partial body parts (BPS), should the Missing Person record have a "locate" put on it?

Answer: **NO.** According to NCIC, the deceased's Missing Person record should remain in the NCIC file to be compared against subsequent finds of unidentified remains through DNA analysis or other BPS recovery, possibly in different locations or states.

Should this happen, a statement should be placed in the Miscellaneous field of the record stating that the missing person was positively identified by means of partial recovered body parts (listing the parts used to identify the body) and the record should remain in NCIC until any/all body parts are subsequently recovered/identified.

No NCIC policy exists stating that deceased Missing Person Files cannot be maintained in NCIC after positive identification is confirmed by recovered BPS. The entering agency should instruct the inquiring agency, when confirming the record, not to place a locate on that particular record, as a locate would automatically retire the NCIC record.

(From a July 2003 letter by Monte C. Strait, Section Chief, Programs Development Section, CJIS.)

FORWARD NEWS ITEMS TO: B.C.I., FIELD SERVICES, 3888 W 5400 S, BOX 148280, SALT LAKE CITY UT 84114-8280

BUREAU OF CRIMINAL I.D.  
Nannette Rolfe, Director  
801-965-4571

FIELD SERVICES  
Suzanne Briscoe, Manager  
801-965-4576

FIELD SERVICES  
Nicole Starks, Supervisor  
801-965-4963

EDITOR  
Adrienne Sowards  
801-965-4497

<b>APPLICANT</b>		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK				
				LAST NAME <u>NAM</u>		FIRST NAME		MIDDLE NAME
SIGNATURE OF PERSON FINGERPRINTED				ALIASES <u>AKA</u>		O R I UTBCI0000 UT BU CRIM IDENT SALT LAKE CITY UT		
RESIDENCE OF PERSON FINGERPRINTED								
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS			CITIZENSHIP <u>CTZ</u>		SEX	RACE	HGT
EMPLOYER AND ADDRESS Yourtown Police Department 123 Center St. Yourtown, UT 80999 ATTN: Jack D. Tack				YOUR NO. <u>OCA</u>		WGT	EYES	
				FBI NO. <u>FBI</u>				
				ARMED FORCES NO. <u>MNU</u>				
				SOCIAL SECURITY NO. <u>SOC</u>				
				MISCELLANEOUS NO. <u>MNU</u>				
REASON FINGERPRINTED						CLASS _____ REF. _____		

When sending applicant cards to BCI, please include the name of the TAC in the "Employee and Address" field.

Knowing the correct person to return the processed cards to will reduce the amount of cards becoming misdirected at the local agency. Failure to include the TAC's name may cause delay in receiving the results of the background check.

## **LATE BREAKING NEWS...LATE BREAKING NEWS...LATE BREAKING NEWS..**

Several years ago, the State of Utah awarded a contract to Digital Signature Trust (DST) to provide digital certificates for users of state systems. The Utah Criminal Justice Information System (UCJIS) uses certificates from DST in the logon/authentication process.

The contract with DST has expired and DST will not be renewing it. The Department of Public Safety (DPS)/Bureau of Criminal Identification (BCI) has reviewed the UCJIS policies concerning the use of digital certificates, discussing whether to obtain another vendor to provide certificates, explore the possibility of having the State provide certificates, or do away with certificates altogether for the UCJIS authentication process.

UCJIS has a "certificate bypass" page to allow authentication without a digital certificate. DPS/BCI has reviewed the "certificate bypass" authentication process with the FBI to see if the process is acceptable for accessing criminal justice information from the Internet/web. Because it does meet the FBI requirements, DPS/BCI has decided that UCJIS will move away from using digital certificates in the authentication process.

Effective immediately, any UCJIS user that has an expired certificate, their certificate is about to expire, or is having problems with their certificate should contact their terminal agency coordinator (TAC) to be assigned a certificate bypass "PIN" which will allow access without a certificate.

Previously, because of the increased capabilities available to TACs, they were required to obtain certificates. TACs will no longer be required to have a digital certificate, and should contact BCI TWX to be assigned a PIN and the transaction to allow the changing of their PIN.

UCJIS will continue to have certificates be the primary method of authentication until November 2, 2003. After that date the certificate bypass page will become the primary method of authentication until January 4, 2004. After that date certificates will no longer be accepted for authentication (PINs will be required for all).